

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-2329

Robert Lee Artic,

Appellant,

v.

F.C.I., Waseca; Bureau of Prisons;
J. W. Tippy, Warden,

Appellees.

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Appeal from the United States
District Court for the
District of Minnesota

[UNPUBLISHED]

Submitted: March 3, 1998
Filed: March 20, 1998

Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

PER CURIAM.

Robert Lee Artic moves to reinstate his appeal from a final order of the United States District Court for the District of Minnesota denying Artic's 28 U.S.C. § 2241 petition for a writ of habeas corpus. We grant Artic's motion to reinstate his appeal. In light of our recent decision in Martin v. Gerlinski, 133 F.3d 1076 (8th Cir. 1998), and for the reasons discussed therein, we reverse the judgment of the district court and remand the case to the district court with instructions to refer the case to the Bureau of Prisons to properly consider Artic's eligibility for a sentence reduction under 18 U.S.C. § 3621(e)(2)(B). See 8th Cir. R. 47A(a).

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.